

**State of California  
FISH AND GAME COMMISSION  
(916) 653-4899  
www.fgc.ca.gov**

**Meeting of  
May 3, 2007 (Thurs.)  
10:00 a.m.**

**Hubbs-Sea World Research Institute  
Shedd Auditorium  
2595 Ingraham Street  
San Diego**

**SUMMARY OF MEETING**

**1. PUBLIC FORUM**

**Kevin Hunting welcomed the Commission to the South Coast Region and offered assistance from his staff.**

**Bruce Rezsick thanked the Commission for its efforts and work in marine conservation and requested that the Commission look at the San Diego Coast Keeper as a resource, as they will be coordinating the MLPA effort with other sister organizations when it comes to Southern California.**

**Tom Hafer and Tim Maricich discussed the Spot Prawn Fishery and their concerns of over harvesting, with only 60 percent of grounds left due to the MPA, and requested the Commission and Ocean Protection Council (OPC) meet with them to find a solution to the problem.**

**Commissioner Kellogg recommended that Messrs. Hafer and Maricich submit ideas and recommendations in writing to the Commission for consideration.**

**Tom Hafer requested that the Commission draft a letter to the OPC.**

**President Rogers responded that recommendations should first be submitted to the Commission in writing, and once the issue of the fishery is made public, the Commission can assist in drafting a letter.**

**Charles Hollahan discussed the difficulties in renewing his scientific collector permit and provided a handout with statements regarding this issue. He stated the Department takes more than three months to process the permit and suggested the permit be renewed every five years, rather than two, and requested his issues be reviewed publicly at the Commission's August meeting in Santa Barbara.**

**Deputy Director Mastrup responded that each scientific collecting permit renewal requires Department review. He also stated the permit's intent was for the use of scientists in collecting specimens for their work, and not as a commercial permit. He discussed the need to talk about scientific collecting from a regulatory perspective and recognized the need for a regulatory program overhaul.**

**Executive Director Carlson questioned if the Department gave guidance to applicants.**

**John Ugoretz responded that the Department's License and Revenue Branch mails out permit renewal forms more than three months in advance of their expiration, and that it clearly states on the permit form that it will take up to 120 days to renew. He stated Mr. Hollahan waited two months to submit his renewal permit application and at this point, the 120 day review period has not expired.**

**Steven Benavides discussed the possible reopening of a commercial abalone fishery and requested that once a report from the Abalone Advisory Group is received, that a coordinated presentation be made to the Board with the Recreational Abalone Advisory Committee, the Recreational Fishing Alliance, and the California Council of Divers.**

**David Couch provided a handout to the Commission and requested its assistance in obtaining a rock crab permit in order to fish for sheephead. He stated he was the first person to transfer to a nearshore fishery trap permit that did not have a rock crab license, and that under the current law he is not eligible because his permit was not purchased by September 2005. He requested the Commission start the process to extend the initial application deadline for recent nearshore transfers.**

**Deputy Director Mastrup responded that current regulations do not allow Mr. Couch to purchase a rock crab permit, and the Department has no authority to issue a permit as there is a moratorium and the only solution is to change the regulation.**

**Vice President Gustafson suggested, and the Commission agreed, to have staff meet with the Department and discuss if this is a resource issue and propose a solution.**

**John Gibbs discussed the lapse of time of no action on the grandfather market squid permits and requested that the Commission authorize staff to publish notice and set a meeting date with the Marine Resources Committee to address the issue of making the grandfather market squid permits transferable.**

**Deputy Director Sonke Mastrup responded that restricted access policy was an issue that needed to be addressed. He requested that the Commission have a clear agenda and outcome structure so that key issues could be identified.**

**Paul Weakland provided a handout regarding withering syndrome, the closing of the harvest of black abalone, and the MPAs and requested the Commission revisit these issues. He also commented on the scientific collecting permits and stated they negate the fishery management plan.**

**Chris Voss stated that with the implementation of the MLPA, commercial fisheries were being concentrated into smaller areas and there was a need to address how to effectively implement the MLMA.**

**Steve Mathieu, CEO of AGP Video, gave a tutorial on the use of Cal-Span in viewing Commission Meetings. He also stated that the Commission set precedence in December 2005, in accepting DVDs as the official record of minutes.**

Robert Osborn discussed the white seabass fishery in Southern California and stated that research work was declining rather than increasing. He urged the Commission to improve the scientific data information on the white seabass fishery so that they could be better managed. He also expressed his concern that recreational angler success had declined by 44 percent and requested a future discussion on some of the research needs and improving the data collection for white seabass.

Marija Vojkovich responded that catch per unit effort goes up and down on an annual basis and that Mr. Osborn was referring to the result of this year's analysis. She advised Mr. Osborn that Mr. Drawbridge would be giving an update on the current status of the programs and hatcheries.

2. PRESENTATION BY MARK DRAWBRIDGE, SENIOR RESEARCH BIOLOGIST – HUBBS-SEAWORLD RESEARCH INSTITUTE, REGARDING AN UPDATE ON THE CURRENT STATUS OF MARINE FINFISH FARMING IN THE UNITED STATES.

**Received presentation; no public testimony.**

3. STATUS UPDATE ON DRAFT ENVIRONMENTAL DOCUMENT AND RECEIPT OF PUBLIC TESTIMONY REGARDING THE PETITION TO DELIST SISKIYOU MOUNTAINS SALAMANDER (*Plethodon stormi*) AS A THREATENED SPECIES.

**Received Department's report; received public testimony. The Commission unanimously voted to pull this item from the agenda until the Department completes the Draft Environmental Document.**

4. COMMISSION RECEIPT AND POSSIBLE APPROVAL OF THE REVISED DRAFT MASTER PLAN FOR MARINE PROTECTED AREAS.

**Received the revised Draft Master Plan for Marine Protected Areas; received public testimony. Commissioners voted to continue this item to the June 7, 2007, meeting in Truckee.**

#### **OTHER**

5. RECEIPT OF DEPARTMENT LEGISLATIVE REPORT AND POSSIBLE CONSIDERATION OF COMMISSION POSITIONS ON PROPOSED LEGISLATION.

**Received Department's report; received public testimony. The Commission supported initiative legislation to authorize adding a check box to the ALDS program for contributions to the Wardens' Foundation.**

6. RECEIPT OF DEPARTMENT INFORMATIONAL ITEMS.

(A) UPDATE ON DEPARTMENT'S BUDGET.

**No report; no public testimony.**

- (B) UPDATE ON PFMC ISSUES  
**Received report; no public testimony.**
- (C) UPDATE ON ENFORCEMENT.  
**Received report; no public testimony.**
- (D) WITHERING SYNDROME REPORT.  
**Received report; received public testimony.**
- (E) UPDATE ON THE SAN MIGUEL ISLAND ABALONE RESOURCE.  
**Received report; received public testimony.**
- (F) UPDATE ON WATERFOWL REGULATIONS.  
**Received report; no public testimony.**
- (G) UPDATE ON COMMERCIAL FISHERIES COST REPORT.  
**Received report; no public testimony.**
- (H) UPDATE ON HALIBUT AND PINK SHRIMP FISHERIES.  
**Received report; no public testimony.**
- (I) UPDATE ON THE AUTOMATED LICENSE DATA SYSTEM (ALDS) IMPLEMENTATION.  
**No report; no public testimony.**
- (J) UPDATE ON SALTON SEA.  
**No report; no public testimony.**
- (K) UPDATE ON REGULATIONS REGARDING TIMBER HARVEST PLANS AND COHO SALMON PURSUANT TO FISH AND GAME CODE SECTION 2112.  
**Received report; no public testimony.**
- (L) OTHER.  
**Executive Director Carlson reported that the Department's proposed strikeout and underline addition regarding Implementation and Review of Policies will be added to the agenda for the June Commission meeting.**

7. RECEIPT OF COMMISSION INFORMATIONAL ITEMS.

(A) STAFF REPORTS.

**No report; no public testimony.**

(B) OTHER.

**No report; no public testimony.**

8. SUBCOMMITTEE REPORTS AND RECOMMENDATIONS.

(A) MARINE RESOURCES COMMITTEE.

**No report; public testimony received.**

(B) AL TAUCHER'S PRESERVING HUNTING AND SPORT FISHING  
OPPORTUNITIES ADVISORY COMMITTEE.

**Deputy Executive Director Fischer indicated that the next Al Taucher  
Committee meeting should be either June 14 or 21, 2007.**

9. RECEIPT OF FEDERAL AGENCIES INFORMATIONAL ITEMS.

**Received report from Tony Morton of NOAA Fisheries; no public testimony.**

10. RECEIPT OF LEGAL COUNSEL INFORMATIONAL ITEMS.

**Received report; no public testimony**

11. NEW BUSINESS.

**The Commission requested a Department report regarding all aspects of the  
statewide kelp lease program at its August 10, 2007, meeting in Santa Barbara.**

FIELD TRIP: Time permitting, the Commission will take a tour of the Hubbs-Sea World Research Institute Laboratory (see address above). The field trip will commence immediately following the adjournment of the meeting. The public is invited to attend, but will have to provide its own transportation.

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EXECUTIVE SESSION  
(NOT OPEN TO PUBLIC)

PURSUANT TO THE AUTHORITY OF GOVERNMENT CODE SECTION 11126(a)(1) AND (e)(1), AND SECTION 309 OF THE FISH AND GAME CODE, THE COMMISSION WILL MEET IN CLOSED EXECUTIVE SESSION. THE PURPOSE OF THIS EXECUTIVE SESSION IS TO CONSIDER:

A. PENDING LITIGATION TO WHICH THE COMMISSION IS A PARTY.

- I. CENTER FOR BIOLOGICAL DIVERSITY vs. CALIFORNIA FISH AND GAME COMMISSION RE: TIGER SALAMANDER.
- II. CALIFORNIA FORESTRY ASSOCIATION, ET AL., vs. CALIFORNIA FISH AND GAME COMMISSION RE: COHO SALMON.
- III. JACK MORICI vs. CALIFORNIA FISH AND GAME COMMISSION RE: COMMERCIAL FISHING LICENSE.
- IV. BIG CREEK LUMBER COMPANY AND CENTRAL COAST FOREST ASSOC. vs. CALIFORNIA FISH AND GAME COMMISSION RE: COHO LISTING, SOUTH OF SAN FRANCISCO.
- V. LINDY O'LEARY vs. CALIFORNIA FISH AND GAME COMMISSION RE: R.R.S.A.C. AND R.R.S.S. PERMIT DENIALS.
- VI. NATURAL RESOURCES DEFENSE COUNCIL, ET AL., vs. CALIFORNIA FISH AND GAME COMMISSION RE: CALIFORNIA CONDORS EXPOSURE TO LEAD AMMUNITION.

B. POSSIBLE LITIGATION INVOLVING THE COMMISSION.

C. STAFF PERFORMANCE AND COMPENSATION.

D. RECEIPT OF HEARING OFFICER RECOMMENDATIONS ON LICENSE AND PERMIT ITEMS AND ADOPTION OF COMMISSION FINDINGS FOR:

- I. RICHARD MIRKOVICH, TRANSFERABLE MARKET SQUID LIGHT BOAT PERMIT.
  - II. ALLEN WELLE, TRANSFERABLE LOBSTER OPERATOR PERMIT.
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Meeting of  
May 4, 2007 (Fri.)  
8:30 a.m.

Hubbs-Sea World Research Institute  
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2595 Ingraham Street  
San Diego

**SUMMARY OF MEETING**

12. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION.

- I. Richard Mirkovich, Approved, Transferable Market Squid Light Boat Permit.
- II. Allen Welle, Denied, Transferable Lobster Operator Permit.

13. DISCUSSION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO SUBSECTION 7.50(b)(91.1), TITLE 14, CCR, RE: KLAMATH-TRINITY RIVER SALMON REGULATIONS.

Received Department's report; no public testimony. The Commission adopted the Department's preferred changes regarding the Klamath-Trinity River Salmon Regulations.

14. REQUEST TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SECTION 29.85, TITLE 14, CCR, RE: CRABS. (Note: The discussion hearing is scheduled for June 8, 2007, in Truckee.)

Received Department's report; no public testimony. The Commission authorized its staff to publish notice of Commission intent to amend Section 29.85, Title 14, CCR, regarding crabs. The Commission will receive public testimony at its June 8, 2007, meeting in Truckee, and will consider adoption of the proposed changes at its August 10, 2007, meeting in Santa Barbara.

15. REQUEST TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SECTIONS 251.7, 257, 300 AND 600, TITLE 14, CCR, RE: POSSESSION OF GAME BIRDS, RESIDENT SMALL GAME DEFINED, SEASONS AND BAG LIMITS FOR UPLAND GAME BIRDS, AND REGULATIONS FOR LICENSED GAME BIRD CLUBS. (Note: The discussion hearing is scheduled for June 8, 2007, in Truckee.)

Received report; no public testimony. The Commission authorized its staff to publish notice of Commission intent to amend sections 251.7, 257, 300 and 600, Title 14, CCR, regarding possession of game birds, resident small game defined, seasons and bag limits for upland game birds, and regulations for licensed game bird clubs. The Commission will receive public testimony at its June 8, 2007, meeting in Truckee, and will consider adoption of the proposed changes at its July 13, 2007, meeting in Bridgeport.

16. STATUS UPDATE ON DRAFT ENVIRONMENTAL DOCUMENT, RECEIPT OF SPECIAL REPORT, AND RECEIPT OF PUBLIC TESTIMONY ON PROPOSALS TO AMEND SECTIONS 353 AND 475, TITLE 14, CCR, RE: METHODS AUTHORIZED FOR TAKING BIG GAME AND METHODS OF TAKE FOR NONGAME BIRDS AND NONGAME MAMMALS.

Received Department's report; received public testimony. The Department will be submitting a report at the June 8, 2007, Commission meeting in Truckee regarding: a timeline for action on the Environmental Document, clarification of causes of condor deaths in California, identification of known condor deaths compared to assumed deaths, a discussion about the administrative, regulatory, and policy options (and the timing for those options), depredation permits, the best available science to enhance the Environmental Document with new information, and options and mechanisms for a private/state partnership incentive program non-lead ammunition.

### **CONSENT CALENDAR**

17. ADOPTION/RATIFICATION OF COMMISSION FINDINGS, RE: REJECTION OF PETITION TO LIST THE SCOTT BAR SALAMANDER (*Plethodon asupak*) AS AN ENDANGERED SPECIES.

**Approved; no public testimony.**

18. ADOPTION OF WRITTEN FINDINGS REGARDING THE FINAL ENVIRONMENTAL DOCUMENT ON CENTRAL COAST MARINE PROTECTED AREAS AND APPROVAL TO FILE NOTICE OF DETERMINATION.

**Approved; no public testimony.**

19. PURSUANT TO SECTION 2073.5 OF THE FISH AND GAME CODE, RECEIPT OF DEPARTMENT INITIAL REVIEW AND RECOMMENDATION ON PETITION TO UPLIST THE DELTA SMELT (*Hypomesus transpacificus*) FROM THREATENED TO ENDANGERED.

**Approved, no public testimony.**

20. REQUEST TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SECTION 632, TITLE 14, CCR, RE: CHANNEL ISLANDS MPA FEDERAL BOUNDARIES MODIFICATION. (Note: The discussion hearing is scheduled for June 8, 2007, in Truckee.)

**Approved; no public testimony.**

21. REQUEST TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SECTION 704, TITLE 14, CCR, RE: MISC. FORMS AND FEES. (Note: The discussion hearing is scheduled for June 8, 2007, in Truckee.)

**Approved; no public testimony.**



22. APPROVAL OF ANNUAL REPORT AND 2007-2008 PRIVATE LANDS HABITAT ENHANCEMENT AND WILDLIFE AREA PLANS FOR:

- (A) BASIN VIEW RANCH, MODOC COUNTY
- (B) BURROWS RANCH, TEHAMA COUNTY
- (C) CAPISTRAN RANCH, MENDOCINO COUNTY
- (D) CARLEY RANCH, MENDOCINO COUNTY
- (E) CHRISTENSEN RANCH, MENDOCINO COUNTY
- (F) COON CAMP SPRINGS, LASSEN COUNTY
- (G) CORNING LAND AND CATTLE CO., TEHAMA COUNTY
- (H) EAGLE ROCK RANCH, MENDOCINO COUNTY
- (I) EDEN VALLEY RANCH, MENDOCINO COUNTY
- (J) FIVE DOT RANCH – AVILA UNIT, LASSEN COUNTY
- (K) FIVE DOT RANCH – WILLOW CREEK UNIT, LASSEN COUNTY
- (L) HEAVEN'S GATE RANCH, TEHAMA COUNTY
- (M) ISABEL VALLEY RANCH, SANTA CLARA COUNTY
- (N) JS RANCH, SHASTA COUNTY
- (O) MALLISON RANCH, SANTA CLARA COUNTY
- (P) MARTIN RANCH, MENDOCINO COUNTY
- (Q) MASUT RANCH – COVELO, MENDOCINO COUNTY
- (R) MASUT RANCH – REDWOOD VALLEY, MENDOCINO COUNTY
- (S) MILLER ERIKSEN RANCH, MENDOCINO COUNTY
- (T) PINE CREEK CATTLE CO. – MADELINE RANCH, LASSEN COUNTY
- (U) PINTAIL RANCH, SOLANO COUNTY
- (V) POCKET RANCH, SONOMA COUNTY
- (W) POTTER VALLEY WILDLIFE MANAGEMENT AREA, MENDOCINO COUNTY
- (X) R MOUNTAIN RANCH, MENDOCINO COUNTY
- (Y) SEVEN SPRINGS RANCH, MENDOCINO COUNTY
- (Z) SHAMROCK RANCH, MENDOCINO COUNTY
- (AA) SL RANCH, MODOC COUNTY
- (BB) SUMMER CAMP, MENDOCINO COUNTY
- (CC) TRIPLE B RANCH, SHASTA COUNTY
- (DD) WILLIAMS RANCH, SHASTA COUNTY

**Approved; no public testimony.**

**OTHER**

23. ANNOUNCEMENT OF FUTURE MEETINGS.

**The next Commission meeting is scheduled for June 7 and 8 in Truckee.**